

CASE LD0284 NP

COFC

#5274

IN RE U.S. PATENT OF  
BANDYOPADHYAY ET AL.

PATENT NO: 6,670,384 B2

ISSUED: JANUARY 23, 2002

FOR: METHODS OF ADMINISTERING EPOTHILONE ANALOGS FOR  
THE TREATMENT OF CANCER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate**  
**MAY 18 2005**  
**of Correction**

TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified patent by virtue of an assignment which was recorded in the United States Patent and Trademark Office on August 8, 2002 at Reel/Frame 013202/0795.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of the above-identified patent which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 10/051,727** filed January 17, 2002. Said Application No. 10/051,727 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 16, 2002 at Reel/Frame 012593/0470.

Bristol-Myers Squibb Company hereby agrees that the above-identified patent shall be enforceable only for and during such period that it and any patent granted on Application No. 10/051,727 are commonly owned. This agreement runs with the above-identified patent and is binding upon the grantee, its successors or assigns.

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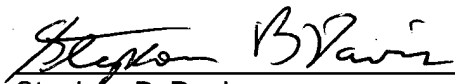
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In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of the above-identified patent that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application No. 10/051,727, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 12<sup>th</sup> day of MAY, 2005 by the undersigned attorney of record.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-4338

  
\_\_\_\_\_  
Stephen B. Davis  
Attorney for Applicants  
Reg. No. 26,693



CASE LD0284 NP

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephen B. Davis

Type or print name

*Stephen B. Davis*

Signature

5/12/05

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BANDYOPADHYAY ET AL.

APPLICATION NO: 10/055,653

FILED: JANUARY 23, 2002

FOR: METHODS OF ADMINISTERING EPOTHILONE ANALOGS FOR  
THE TREATMENT OF CANCER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$130 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. An additional copy of this paper is here enclosed.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-4338  
Date: 5/12/05

*Stephen B. Davis*  
Stephen B. Davis  
Attorney for Applicants  
Reg. No. 26,693



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Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of the above-identified patent which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,576,651** issued June 10, 2003. Said Patent No. 6,576,651 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 17, 2002 at Reel/Frame 012596/0586.

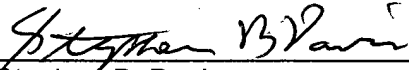
Bristol-Myers Squibb Company hereby agrees that the above-identified patent shall be enforceable only for and during such period that it and prior Patent No. 6,576,651 are commonly owned. This agreement runs with the above-identified patent and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of the above-identified patent that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,576,651, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 12<sup>th</sup> day of MAY, 2005 by the undersigned attorney of record.

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Respectfully submitted,

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